

CHAPTER 92: NUISANCES

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GENERAL PROVISIONS

§ 92.01 BRUSH.

(A) The town will pick up and remove brush for residents that do normal pruning of trees and bushes.

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(B) The town will pick up no more than six cubic yards of brush from any one stop. One truck load equals six cubic yards.

(C) Large volumes of brush from the removal of a tree or trees shall be handled by the owner or occupants of the premises.

(D) The town will not pick up or handle brush or other debris from the removal of a tree that has been contracted for removal. It shall be the owner or occupant's responsibility for the removal of such material.

(E) The town will not pick up or handle any brush or other debris from the clearing of a lot.

(F) No more than six cubic yards will be picked up at any one stop in a three-month period.
(Ord. 07192005, passed 7-19-2005)

JUNK**§ 92.15 JUNK DEALERS PROHIBITED.**

It shall be unlawful for any person, firm, or corporation to keep a place of business within the corporate limits of the town for the purpose of the purchase or sale of junk, old metal, oil rope, rags, old canvas, old paper, or other similar materials.

(Prior Code, Ch. IV, Article I, § 1) Penalty, see § 92.99

§ 92.16 JUNK STORAGE PROHIBITED.

Hereafter, it shall be unlawful for any person, firm, or corporation to own, maintain, or control any real estate within the corporate limits of the town upon which the storage and/or dumping of garbage, refuse, wastes, debris, unused or salvaged building materials, appliances, furniture, barrels or any trash containment per residence, farm machinery, machines or machinery, or any other discarded materials are kept, parked, or maintained.

(Ord. 20140121, passed 2-26-2014) Penalty, see § 92.99

§ 92.17 DEFINITION.

For the purpose of this subchapter, the following definition applies unless the context clearly indicates or requires a different meaning.

ABANDONED or **DISCARDED**. Any item which is, for any reason, no longer used as originally manufactured or designed.
(Ord. 20140121, passed 2-26-2014)

§ 92.18 PUBLIC NUISANCE DECLARED.

Any violation of this subchapter is hereby declared and shall constitute a public nuisance.
(Ord. 20140121, passed 2-26-2014)

§ 92.19 NOTICE.

Any person, firm, or corporation who violates this subchapter by having any of the matter described in this subchapter on any real estate owned, maintained, or under his or her control shall be given notice of said violation by the Town Police Department to remove, clean up, and properly dispose of any and all material within ten days of said notice.
(Ord. 20140121, passed 2-26-2014) Penalty, see § 92.99

WEEDS

§ 92.30 WEEDS TO BE CUT AND REMOVED.

The owners of real property in the town shall cut and remove weeds and other rank vegetation growing on their property. The term **PROPERTY** includes a parkway, the non-hard-surfaced area lying between a sidewalk and a street, lane, or parkway.
(Ord. 20130903, passed 10-1-2013) Penalty, see § 92.99

§ 92.31 ADMINISTRATION.

The Town Clerk-Treasurer shall be responsible for the administration of this subchapter.
(Ord. 20130903, passed 10-1-2013)

§ 92.32 DEFINITION.

For the purpose of this subchapter, the following definition applies unless the context clearly indicates or requires a different meaning.

WEEDS and RANK VEGETATION. Includes any excessive growth, coarse growth of any vegetation, woody vegetation, and grass or weeds greater than six inches in height. The term does not include agricultural crops, such as hay and pasture, which are used and maintained for that purpose in areas where crops are permitted to grow. The term also includes dead vegetation, woody or otherwise, in a height exceeding six inches.

(Ord. 20130903, passed 10-1-2013)

§ 92.33 NOTICE.

(A) The office of the Town Clerk-Treasurer shall send to the landowner notice of the existence of the weeds and other rank vegetation upon the owner's property by mail or personal service by a town police officer. A town officer may also issue an ordinance citation in lieu of a letter.

(B) The notice must contain the name or names of the landowner as last shown upon the records maintained within the County Clerk or Town Clerk-Treasurer's office records, the address or other description of the location of the property, and the location of the weeds or other rank vegetation required to be removed, requiring such landowner to remove the weeds and other rank vegetation within five days of the posting or personal delivery of the notice. The notice must also inform the landowner that, should the landowner fail to remove the weeds and other rank vegetation, the town, by its employees or contractors, may, without any further notice, enter upon the landowner's property for the purposes of removal of the weeds and other rank vegetation.

(C) Landowners will receive one warning and/or letter per year.

(Ord. 20130903, passed 10-1-2013)

§ 92.34 TOWN MAY REMOVE VEGETATION.

Should the landowner fail to remove the weeds or other rank vegetation within five days, the town may remove the vegetation. Contractors of the town or town employees may enter upon the owner's property at any reasonable time for the purposes of removing the weeds or other rank vegetation without further notice to the landowner.

(Ord. 20130902, passed 10-1-2013)

§ 92.35 APPEAL.

(A) The landowner may appeal the notice of violation, the bill issued to the landowner under this subchapter, or notice to remove weeds and other rank vegetation issued by the Clerk-Treasurer by issuing notice of appeal in writing to the office of the Clerk-Treasurer within five days of the date of the issuance of the notice to remove weeds and other rank vegetation.

(B) Hearing upon the appeal shall be conducted by the Town Board by regular or special session within 15 days of such appeal.

(C) Should the landowner disagree with the decision of the Town Board, appeal may then be taken within five days of such order to the County Circuit Court.
(Ord. 20130903, passed 10-1-2013)

§ 92.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any violator refusing or neglecting to completely remove and properly dispose of said dumped or discarded matter within ten days, as advised in § 92.19, will receive a citation. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues within a calendar year. Fines shall be paid to the Town Clerk-Treasurer. Violations of §§ 92.15 through 92.19 are subject to the following.

(a) First violation will be a warning for ten days.

(b) Second violation will be a \$50 fine per day, up to ten days.

(c) Third violation will be a \$100 fine per day, up to ten days.

(d) Fourth and subsequent violation will be a \$150 fine for every day thereafter.

(2) Any person observed dumping shall be fined \$100 and ordered to clean and properly dispose of any dumped or discarded material.

(C) (1) Violation of §§ 92.30 through 92.35 may result in an ordinance citation issued by the Town Marshal or such officers as are assigned by the Town Marshal to enforce all town ordinances.

(2) Violations of §§ 92.30 through 92.35 are subject to a \$25 fine. Re-occurring violations are subject to be fined for each re-occurring violation, not to exceed \$200 per violation.

(3) Fines shall be paid within 20 days of issuance, in person or mailed to the Town of Hamlet, P.O. Box 181, Hamlet, IN 46532.

(4) If not paid within 30 days of issuance, is subject to a late penalty of \$50.

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(5) If the fine is not paid within 45 days, the Town Clerk-Treasurer shall certify to the County Auditor the amount of the bill plus any additional administration occurred in the certification; the additional administrative costs, currently at \$20, may be increased as deemed necessary and shall not exceed a usual and customary cost. The County Auditor shall place the total amount certified on the tax duplicate affected in accordance with I.C. 36-7-10.1-1 et seq. as such is hereinafter amended or replaced. The total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the General Fund of the town.
(Ord. 20130903, passed 10-1-2013; Ord. 20140121, passed 2-26-2014)